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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/895,880  | 06/28/2001  | Anthony F. Istvan    | 005217.P053         | 5380             |
| 47053   | 7590        | 02/03/2006           | EXAMINER            |                  |
| CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC<br>1420 FIFTH AVENUE<br>SUITE 2800<br>SEATTLE, WA 98101-2347 |             |                      | OSMAN, RAMY M       |                  |
|   |             | ART UNIT             | PAPER NUMBER        | 2157             |

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/895,880             | ISTVAN ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Ramy M. Osman          | 2157                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-44 is/are rejected.
- 7) Claim(s) 44 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Status of the Claims***

1. This communication is in response to amendment filed on 12/21/2005. Claims 1-44 are pending.

***Response to Arguments***

2. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-29 under 35 USC 102(b),(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nickum (US Patent No 6,359,661).

3. Applicants arguments with respect to claims 30-44 are not persuasive in light of new 112 first and second paragraph rejections which follow.

4. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

5. Claim 44 objected to because of the following informalities: In line 3, change 'that the' to 'than the'. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 30-44 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

On line 8 of the respective independent claims 30,35 and 40, applicant states “determining an update vector as a function of ...”. Applicant has failed to disclose what the function is, whether it is a mathematical or algorithmic function, and what its details are. ‘Function’ is mentioned in paragraph 30 of the specification but provides no further details. This limitation renders the claims vague and non-enabled.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 30-44 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 8 of the respective independent claims 30,35 and 40, applicant states “identifiers ... that are more recent than ...”. It is unclear how an identifier can be more recent than another identifier. The claims fail to mention the properties of the identifiers, that they are time-sensitive, or anything that may indicate how an identifier can be more recent than another identifier. The

phrase ‘more recent’ makes the sentence incomplete because there seems to be a missing action-statement that should follow the phrase (i.e. ‘more recently stored than...’). The claim is unclear.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1-29 rejected under 35 U.S.C. 102(e) as being anticipated by Nickum (US Patent No 6,359,661).**

12. In reference to claims 1,7,13, Nickum teaches a method, system and corresponding machine readable medium of controlling access to content in a multimedia communication network system having a plurality of access devices, the method comprising:

receiving configuration information related to a user object from a user via an access device of the plurality of access devices, the configuration information defining multimedia content that can be accessed by instantiating the user object in an access device (column 1 line 55 – column 2 line 35, column 5 lines 1-10 & 45-67, and column 7 lines 34-60); and

providing the received configuration information to another access device of the plurality of access devices (column 5 lines 1-10, Nickum discloses multiple remote control devices with multiple user id's).

13. In reference to claims 2,8,14, Nickum teaches the method, system, and machine readable medium of claims 1,7,13 respectively, further comprising receiving revised configuration information related to the user object via an access device of the plurality of access devices and providing the received revised configuration information to all of the access devices of the plurality of access devices (column 7 lines 34-60).

14. In reference to claims 3,9,15, Nickum teaches the method, system, and machine readable medium of claims 1,7,13 respectively, further comprising receiving configuration information related to a plurality of user objects via one or more of the access devices of the plurality of access devices and providing the configuration information to all of the access devices of the plurality of access devices (column 7 lines 34-60).

15. In reference to claims 4,10,16, Nickum teaches the method, system, and machine readable medium of claims 3,9,13 respectively, further comprising assigning a ticket number to the revised configuration information (column 7 lines 34-60).

16. In reference to claims 5,11,17, Nickum teaches the method, system, and machine readable medium of claims 4,10,16 respectively, further comprising storing the ticket number in a revision history in the multimedia communication network system (column 7 lines 34-60).

17. In reference to claims 6,12, Nickum teaches the method, system, of claims 5,11 respectively, wherein the revision history is stored in a server of the multimedia communication network system (column 7 lines 34-60).

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18. In reference to claims 18,22,26, Nickum teaches a method, system and corresponding machine readable medium of providing configuration information related to a user object of a multimedia communication network system having a plurality of access devices, the configuration information including values for a plurality of configuration parameters, the method comprising:

receiving a portion of the configuration information related to a user object from a user via an access device of the plurality of access devices (column 7 lines 34-60);

assigning a ticket number to the received portion of the configuration information (column 7 lines 34-60, Nickum discloses assigning a group name);

storing the ticket number in a revision history; and providing the ticket number to the access device (column 7 lines 34-60).

19. In reference to claims 19,23,27, Nickum teaches the method, system and corresponding machine readable medium of claims 18,22,26, further comprising: setting a bit in a bit vector, the bit vector having a plurality of bits each being associated to a corresponding configuration parameter of the user object; wherein the set bit indicates the configuration parameter associated with the received configuration information; and providing the bit vector to the access device (column 7 lines 34-60 and column 4 lines 1-55, Nickum inherently teaches that the configuration information will be stored as bits in memory).

20. In reference to claims 20,24,28, Nickum teaches the method, system and corresponding machine readable medium of claims 18,22,26, wherein the revision history has a fixed size (column 7 lines 34-60 and column 4 lines 1-55; It is inherent that each entry will be of a fixed size because when something is digitally stored it is ‘fixed’ into memory).

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21. In reference to claims 21,25,29, Nickum teaches the method, system and corresponding machine readable medium of claims 18,22,26, further comprising providing the portion of the configuration information to a second access device of the plurality of access devices (column 5 lines 1-10).

22. **Claims 30-33,35-38,40-43 rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw (US Patent No 6,704,864).**

23. In reference to claims 30,35,40, Philyaw teaches a method, system and corresponding machine readable medium of providing updated configuration information related to user object of a multimedia communication network system having a plurality of access devices, the configuration information including values for a plurality of configuration parameters, the system including a revision history configured to store identifiers and bit vectors associated with updates to the configuration information related to the user object, the method comprising:

receiving an identifier from an access device of the plurality of access devices (column 26 line 50 – column 27 line 20);

determining an update vector as a function of the received identifier and any identifiers in the revision history that are more recent than the received identifier (column 28 line 55 – column 29 line 40); and

providing the update vector to the access device (column 29 lines 1-10 & 30-40).

24. In reference to claims 31,36,41, Philyaw teaches method, system and corresponding machine readable medium of claims 30,35,40, further comprising providing a portion of updated configuration information to the access device at the request of the access device, wherein the

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access device generates the request in response to the update vector (column 26 lines 10-30 and column 29 lines 1-10 & 30-40).

25. In reference to claims 32,37,42, Philyaw teaches the method, system and corresponding machine readable medium of claims 30,35,40, further comprising providing to the access device the most recent identifier of the identifiers used in determining the update vector (column 29 lines 1-10 & 30-40).

26. In reference to claims 33,38,43, Philyaw teaches the method, system and corresponding machine readable medium of claims 30,35,40, wherein determining the update vector further comprises generating the update vector as a function of the bit vectors associated with the identifiers that are more recent than the received identifier (column 29 lines 1-10 & 30-40).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. **Claims 34,39,44 rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw (US Patent No 6,704,864) in view of Mi et al (US Patent No 6,523,067).**

Philyaw teaches the method, system and corresponding machine readable medium of claims 33,38,43. Philyaw fails to explicitly teach wherein the function of the bit vectors comprises the logical-OR of the bit vectors associated with the identifiers that are more recent than the received identifier. However, Mi teaches updated vectors (i.e. return values) based on

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identifiers and comprises a logical OR result, for the purpose of verifying and granting user access (column 3 lines 10-20 and column 4 lines 5-40).

It would have been obvious for one of ordinary skill in the art to modify Philyaw wherein the function of the bit vectors comprises the logical-OR of the bit vectors associated with the identifiers that are more recent than the received identifier as per the teachings of Mi for the purpose of verifying and granting user access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
January 26, 2006

  
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